

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
) Criminal No. 05-24 Erie
)
BARRY WAYNE LEWIS)

MOTION FOR COMPETENCY HEARING

NOW COMES the defendant, Barry Wayne Lewis, by his attorney Assistant Federal Public Defender Thomas W. Patton, and pursuant to 18 U.S.C. § 4241(a) files this Motion for Competency Hearing. In support thereof counsel states as follows:

1. Mr. Lewis has been charged with one count of being a prohibited person in possession of a firearm in violation of Title 18 U.S.C. § 922(g).

2. Mr. Lewis has a history of mental illness and had been receiving medication at the Erie County Jail to treat his mental illness.

3. Mr. Lewis has not received any medication for his mental illness since December 3, 2005. The Erie County Jail stopped providing the medication due to its belief that Mr. Lewis was misusing the medication.

4. Counsel has met recently with Mr. Lewis at the Erie County Prison and has reasonable cause to believe that Mr. Lewis is currently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

5. Accordingly, counsel requests that this Honorable Court schedule a hearing to determine Mr. Lewis' mental competency.

5. It is respectfully submitted that pursuant to Title 18 U.S.C. § 4241(b), a psychiatric or psychological examination be conducted on Mr. Lewis and a psychiatric or psychological report be filed with the Court pursuant to the provisions of Title 18 U.S.C. §§ 4247(b) and (c) prior to the time scheduled for the competency hearing.

WHEREFORE, defendant, Barry Wayne Lewis, respectfully requests that this Honorable Court conduct a hearing to determine the mental competency of Mr. Lewis, and order a psychiatric or psychological examination and report be conducted and prepared prior to the competency hearing.

Respectfully submitted,

/s/ Thomas W. Patton

Thomas W. Patton

Assistant Federal Public Defender

P.A. I.D. No. 88653